

Sep 95 - Sec 400

ELIGIBILITY

415 ACTIVELY SEEKING WORK

In addition to registration for work at a local employment office, most State laws require that a claimant be actively seeking work or making a reasonable effort to obtain work. Tennessee requires that an individual to make a reasonable effort to secure work and defines reasonable effort.

The Oregon requirement is in terms of "actively seeking and unable to obtain suitable work." In Oklahoma, Vermont, Washington and Wisconsin, the provision is not mandatory; the agency may require that the claimant, in addition to registering for work, make other efforts to obtain suitable work and give evidence of such efforts. In Wisconsin, however, an active search is required if the claimant is self-employed or if the claim is based on employment for a corporation substantially controlled by the claimant or his family. Michigan permits the Commission to waive the requirement that an individual must seek work, except in circumstances specified in the law, where it finds that suitable work is unavailable both in the locality where the individual resides and in those localities in which he has earned base-period credit weeks. The Maryland, New Jersey and Virginia laws permit the director to modify the active search-for-work requirement when, in his judgment, such modification is warranted by economic conditions. Delaware law permits the director to waive the able to work, available for work and actively seeking work requirements when those requirements would be oppressive or inconsistent with the purpose of the law.

420 AVAILABILITY DURING TRAINING

Special provisions relating to the availability of trainees and to the unavailability of students are included in many State laws. The student provisions are discussed in section 450.02.

The FUTA requires, as a condition for employers in a State to receive normal tax credit, that all State laws provide that compensation shall not be denied to an otherwise eligible individual for any week during which he is attending a training course with the approval of the State agency. Also, all State laws must provide that trade allowances not be denied to an otherwise eligible individual for any week during which he is in training approved under the Trade Act of 1974, because of leaving unsuitable employment to enter such training. In addition, the State law must provide that individuals in training not be held ineligible or disqualified for being unavailable for work, for failing to make an active search for work, or for failing to accept an offer of, or for refusal of, suitable work.

Prior to the enactment of the Federal law, more than half the States had provisions in their laws for the payment of benefits to individuals taking training or retraining courses. The requirement of the Federal law does not extend to the criteria that States must use in approving training. Although some State laws have set forth the standards to be used, many do not specify the types of training that are approvable. Generally, approved training is limited to vocational or basic education training, thereby excluded regularly enrolled students from collecting benefits under the approved training provision.

Massachusetts and Michigan, in addition to providing regular benefits while the claimant attends an industrial retraining or other vocational training course, provide extended benefits equal to 18 times the trainee's weekly benefit rate. Oregon provides supplemental benefits (after exhausting regular benefits and not eligible for Federal-State EB) to dislocated workers while attending approved professional technical training of up to 100 percent of the maximum benefit amount (13 weeks). New Jersey has a similar provision for dislocated workers who enroll in vocational training which provides up to 26 weeks of additional benefits, but the program expires December 31, 1997. Maine provides up to 26 weeks of additional benefits to dislocated workers after exhausting regular benefits and who are not eligible for Federal-State EB. California pays benefits under the State extended benefits program to claimants during periods of retraining (sec. 335.07).

ELIGIBILITY

In New York claimants in approved training can receive additional benefits for up to 104 effective days. The duration of additional benefits may not exceed the number of effective days to which the claimant is entitled at the time he/she begins training.

While in almost all States the participation of claimants in approved training courses is voluntary, in the District of Columbia, Idaho, Missouri and Washington an individual may be required to accept such training. The department in Indiana is directed to provide job counseling or training to an individual who remains unemployed for at least 4 weeks. Also in Indiana the board determines manner and duration.

425 DISQUALIFICATION FROM BENEFITS

The major causes for disqualification from benefits are voluntary separation from work, discharge for misconduct, refusal of suitable work and unemployment resulting from a labor dispute. The disqualifications imposed for these causes vary considerably among the States. They may include one or a combination of the following: a postponement of benefits for some prescribed period, ordinarily in addition to the waiting period required of all claimants; a cancellation of benefit rights; or a reduction of benefits otherwise payable. Unlike the status of unavailability for work or inability to work, which is terminated as soon as the condition changes, disqualification means that benefits are denied for a definite period specified in the law, or set by the administrative agency within time limits specified in the law, or for the duration of the period of unemployment.

The disqualification period is usually for the week of the disqualifying act and a specified number of consecutive calendar weeks following. Exceptions in which the weeks must be weeks following registration for work or meeting some other requirement are noted in Table 401, 402, 403 and 404. The theory of a specified period of disqualification is that, after a time, the reason for a worker's continued unemployment is more the general conditions of the labor market than his disqualifying act. The time for which the disqualifying act is considered the reason for a worker's unemployment varies among the States and among the causes of disqualification. It varies from 5 weeks, in addition to the week of occurrence, in Alaska, to 7-10 weeks, in addition to the week of occurrence, in Nebraska.

A number of States have a different theory for the period of disqualification. They disqualify for the duration of the unemployment or longer by requiring a specified amount of work or wages to requalify or, in the case of misconduct connected with the work, by canceling a disqualified worker's wage credits. The provisions will be discussed in consideration of the disqualifications for each cause.

In less than half the States the disqualification imposed for all three major causes--voluntary leaving, discharge for misconduct, and refusal of suitable work--are the same. This is partially because the 1970 amendments to the Federal law prohibited the denial of benefits by reason of cancellation of wage credits except for misconduct in connection with the work, fraud in connection with a claim, or receipt of disqualifying income. As may be expected, therefore, discharge for misconduct is most often the cause with the heaviest penalty.

The provisions for postponement of benefits and cancellation of benefits must be considered together to understand the full effect of disqualification. Disqualification for the duration of the unemployment may be a slight or a severe penalty for an individual claimant, depending upon the duration of his unemployment which, in turn, depends largely upon the general condition of the labor market. When cancellation of the benefit rights based on the work left is added, the severity of the disqualification depends mainly upon the duration of the work left and the presence or absence of other wage credits. Disqualification for the duration of the unemployment and cancellation of all prior wage credits tend to put the claimant out of the system. If the wage credits canceled extend beyond the base period for the current benefit year, cancellation extends into a second benefit year immediately following.

ELIGIBILITY

In Colorado and Michigan, where cancellation of wage credits may deny all benefits for the remainder of the benefit year, the claimant may become eligible again for benefits without waiting for his benefit year to expire. See Table 300, footnote 5, for provisions for cancellation of the current benefit year. Although this provision permits a claimant to establish a new benefit year and draw benefits sooner than he otherwise could, he would be eligible in the new benefit year generally for a lower weekly benefit amount or shorter duration, or both, because part of the earnings in the period covered by the new base period would already have been canceled or used for computing benefits in the canceled benefit year.

430 DISQUALIFICATION FOR VOLUNTARY LEAVING WORK

In a system of benefits designed to compensate wage loss due to lack of work, voluntarily leaving work without good cause is an obvious reason for disqualification from benefits. All States have such a disqualification provision.

In most States disqualification is based on the circumstances of separation from the most recent employment. Laws of these States condition the disqualification in such terms as "has left his most recent work voluntarily without good cause" or provide that the individual will be disqualified for the week in which he has left work voluntarily without good cause, if so found by the commission, and for the specified number of weeks which immediately follow such week. Most States with the latter provision interpret it so that any bona fide employment in the period specified terminates the disqualification, but some States interpret the provision to continue the disqualification until the end of the period specified, regardless of intervening employment.

In a few States the agency looks to the causes of all separations within a specified period (Table 401, footnote 4). Michigan computes benefits separately for each employer to be charged and considers the reason for separation from each employer when his account becomes chargeable.

430.01 GOOD CAUSE FOR VOLUNTARY LEAVING.--In all States a worker who leaves his work voluntarily must have good cause (in Connecticut, sufficient cause; in Ohio, just cause; in Maryland, Pennsylvania and Texas, cause of a necessitous and compelling nature) if he is not to be disqualified.

In some States good cause for leaving work appears in the law as a general term, not explicitly restricted to good cause related to the employment, thus permitting interpretation to include good personal cause. However, in a few of these States, it has been interpreted in the restrictive sense.

Several States also specify various circumstances relating to work separations that, by statute, require a determination that the worker left with good cause. Arizona and Connecticut do not disqualify an individual for voluntary leaving because of transportation difficulties. California, Indiana, and Kansas do not disqualify an individual for voluntary leaving if he left work to accompany his spouse to a place from which it is impractical to commute. Maine does not disqualify an individual for leaving work to protect him/her from domestic abuse and the individual made all reasonable efforts to preserve the employment. North Carolina does not disqualify an individual for leaving work due to a unilateral and permanent reduction in full time work hours of more than 20% or reduction in pay of more than 15%.

California specifies that a worker left his job with good cause if his employer deprived him of equal employment opportunities not based on bona fide occupational qualifications. Kansas does not disqualify an individual for voluntary leaving if the individual was instructed or requested to perform a service or commit an act in the course of duties which is in violation of an ordinance or statute. Also, Kansas does not disqualify an individual for voluntary leaving due to hazardous working conditions.

ELIGIBILITY

Kentucky does not disqualify an individual for voluntary leaving if he is separated due to a labor management contract or agreement or an established employer plan, program or policy that permits the employer to close the plant or facility for vacation or maintenance. Also, Kentucky does not disqualify an individual for voluntarily leaving his or her next most recent work which was concurrent with the most recent work, or for leaving work that was 100 miles (one-way) from home to accept work less than 100 miles away, or if left part-time work to accept the most recent suitable work.

Delaware and New York do not disqualify an individual for voluntary leaving if under a collective bargaining agreement or written employer plan he exercises his option to be separated, with the employer's consent for a temporary period when there is a temporary layoff because of lack of work. Minnesota, Oklahoma, Pennsylvania and Tennessee specify that an individual shall not be denied benefits for voluntarily leaving if he exercises his option of accepting a layoff pursuant to a union contract, or an established employer plan, program or policy. In Tennessee, however, an individual will be disqualified if the employer provides a monetary incentive (excluding wages in lieu of notice, separation allowance, or similar payment) for the separation which is greater than the maximum amount of benefits an individual would receive. Also in Minnesota an individual will not be disqualified if separated due to collective bargaining agreement by which an individual has vested discretionary authority in another to act on behalf of the individual. Also, in Georgia and Tennessee if the separation was due to an agreement that permits the employee to accept a separation from employment the disqualification will not apply. However, in Tennessee the exclusion mentioned above also applies in this instance. Oregon does not disqualify an individual for voluntary leaving if he ceases to work or fails to accept work when a collective bargaining agreement between his bargaining unit and his employer is in effect and the employer unilaterally modifies the amount of wages payable under the agreement, in breach of the agreement.

In Wisconsin the voluntary leaving disqualification will not apply to an individual who terminates work with a labor organization which causes the employee to lose seniority rights granted under a union agreement, and if the termination results in a loss of the employee's employment with the employer which is a party to that union agreement.

Missouri does not disqualify an individual for voluntary leaving due to pregnancy under specified conditions. See Missouri law for details.

Louisiana does not apply the voluntary leaving disqualification if an individual left part-time or interim employment in order to protect full-time or regular employment. In Wisconsin the disqualification will not be applied to a claimant who leaves part-time work because of the loss of a full-time job that makes it economically unfeasible to continue the part-time work. Colorado does not disqualify an individual who quits a job outside his/her regular apprenticeable trade to return to work in the regular apprenticeable trade.

Minnesota does not apply the voluntary quit disqualification if the claimant left employment because of its temporary nature or inability to pass a test or to meet work performance requirements. New York provides that voluntary leaving is not in itself disqualifying if circumstances developed in the course of employment that would have justified the claimant in refusing such employment in the first place.

Michigan does not disqualify an individual for voluntary leaving if he left unsuitable work within 60 days after beginning the work. Minnesota does not disqualify an individual for voluntary leaving if the accepted employment represented a departure from the individual's customary occupation and experience and the individual left the work within 30 days under specified conditions. See Minnesota law for details. New Hampshire allows benefits if an individual, not under disqualification, accepts work that would not have been suitable and terminates such employment within 4 weeks. North Dakota does not apply the voluntary leaving disqualification if an individual accepted work which could have been refused with good cause and terminated the employment with the same good cause within the first 10 weeks after starting work. Wisconsin does not apply the voluntary leaving disqualification if the individual

ELIGIBILITY

accepted work which could have been refused because of the labor standard provisions and terminated the work within 10 weeks of starting the work.

Wisconsin will not apply the voluntary quit disqualification if an individual left to accept a job and earned wages of 4 times the weekly benefit amount, and the work offered average weekly wages at least equal to the wages earned in the most recent computed quarter in the terminated employment, or if the hours of work are the same or greater, or was offered the opportunity for longer term employment, or if the position duties were closer to the individual's home than the terminated employment. Also, in Wisconsin a disqualification will not apply if an individual claiming partial benefits left to accept work offering an average weekly wage greater than the average weekly wage in the work terminated.

California and Iowa do not disqualify an individual who elected to be laid off in place of an employee with less seniority. Illinois does not apply the voluntary quit disqualification if the individual left in lieu of accepting a transfer that would cause another employee to be bumped, or if the individual accepted work after separation from other work and the work he left voluntarily would be deemed unsuitable. See Table 401.1 for the most common exceptions to the disqualification for voluntary leaving.

In many States (Table 401.1) good cause is specifically restricted to good cause connected with the work or attributable to the employer, or, in West Virginia, involving fault on the part of the employer. Louisiana disqualifies persons who left work and does not specify voluntary leaving. Most of these States modify, in one or more respects, the requirement that the claimant be disqualified if the separation was without good cause attributable to the employer or to the employment.

430.02 PERIOD OF DISQUALIFICATION.--In two States the disqualification for voluntary leaving is a fixed number of weeks; the longest period in any one of these States is 10 weeks (Table 401). Other States have a variable disqualification; the maximum period under these provisions is 10 weeks in Maryland and Nebraska. In the remaining States the disqualification is for the duration of the individual's unemployment--in most of these States, until the claimant is again employed and earns a specified amount of wages.

430.03 REDUCTION OF BENEFIT RIGHTS.--In some States, in addition to the postponement of benefits, benefit rights are reduced, usually equal in extent to the weeks of benefit postponement imposed. (See Table 401.)

430.04 RELATION TO AVAILABILITY PROVISIONS.--A claimant who is not disqualified for leaving work voluntarily with good cause is not necessarily eligible to receive benefits. If the claimant left because of illness or to take care of illness in the family, such claimant may not be able to work or be available for work. In most States the ineligibility for benefits would extend only until the individual was able to work or was available for work, rather than for the fixed period of disqualification for voluntary leaving.

435 DISCHARGE FOR MISCONDUCT CONNECTED WITH THE WORK

The provisions for disqualification for discharge for misconduct follow a pattern similar but not identical to that for voluntary leaving. There is more tendency to provide disqualification for a variable number of weeks "according to the seriousness of the misconduct." In addition, many States provide for heavier disqualification in the case of discharge for a dishonest or a criminal act, or other acts of aggravated misconduct.

Some of the State laws define misconduct in the law in such terms as "willful misconduct" (Connecticut and Pennsylvania); "deliberate misconduct in willful disregard of the employing unit's interest" (Massachusetts, South Dakota and Washington); "failure to obey orders, rules or instructions or the failure to discharge the duties for which he was employed" (Georgia); and a violation of duty "reasonably owed the employer as a condition of employment"

ELIGIBILITY

(Kansas). Kentucky provides that "legitimate activity in connection with labor organizations or failure to join a company union shall not be construed as misconduct." Connecticut, on the other hand, includes as misconduct participation in an illegal strike as determined under State or Federal laws. Texas defines misconduct to include any action that places others in danger or an intentional violation of employer policy or law, but does not include an act that responds to an unconscionable act of the employer. Detailed interpretations of what constitutes misconduct have been developed in each State's benefit decisions.

Disqualification for discharge for misconduct, as that for voluntary leaving, is usually based on the circumstances of separation from the most recent employment. However, as indicated in Table 402, footnote 3, in a few States the statute requires consideration of the reasons for separation from employment other than the most recent. The disqualification is applicable to any separation within the base period for a felony or dishonesty in connection with the work in Ohio, and for a felony in connection with the work in New York.

435.01 PERIOD OF DISQUALIFICATION.--Seven States have a variable disqualification for discharge for misconduct (Table 402). In some the range is small, e.g., the week of occurrence plus 3 to 7 weeks in Alabama; in other States the range is large, e.g., 5 to 26 weeks in South Carolina. Some States provide a fixed disqualification, and others disqualify for the duration of the unemployment or longer. Florida provides two periods of disqualification. Some States reduce or cancel all of the claimant's benefit rights.

Some States provide for disqualification for disciplinary suspensions as well as for discharge for misconduct. A few States provide the same disqualification for both causes (Table 402, footnote 1). In other States the disqualification differs as indicated in Table 402, footnote 7.

435.02 DISQUALIFICATION FOR GROSS MISCONDUCT.--Some States provide heavier disqualification for what may be called gross misconduct. These disqualifications are shown in Table 403. In a few of the States, the disqualification runs for 1 year; in other States, for the duration of the individual's unemployment; and in most of the States, wage credits are canceled in whole or in part, on a mandatory or optional basis.

The conditions specified for imposing the disqualification for discharge for gross misconduct are in such terms as: discharge for dishonesty or an act constituting a crime or a felony in connection with the claimant's work, if such claimant is convicted or signs a statement admitting the act (Florida, Illinois, Indiana, Nevada, New York, Oregon, Utah and Washington); conviction of a felony or misdemeanor in connection with the work (Maine and Utah); discharge for a dishonest or criminal act in connection with the work (Alabama); gross or aggravated misconduct connected with the work (Maryland, Missouri and South Carolina); deliberate and willful disregard of standards of behavior showing gross indifference to the employer's interests (Maryland); discharge for dishonesty, intoxication including a controlled substance, or willful violation of safety rules (Arkansas); gross, flagrant, willful or unlawful misconduct (Nebraska); assault, theft or sabotage (Michigan); misconduct that has impaired the rights, property or reputation of a base-period employer (Louisiana); assault, battery, destruction of property, theft or arson, sabotage or embezzlement, or abuse of a patient or resident of a health care facility (Minnesota); assault, bodily injury, property loss or damage amounting to \$2,000, theft, sabotage, embezzlement or falsification of employer's records (Georgia); conduct evincing extreme, willful or wanton misconduct (Kansas); a deliberate act or negligence or carelessness of such a degree as to manifest culpability, wrongful intent or evil design (Colorado); and discharge for arson, sabotage, felony or dishonesty connected with the work (New Hampshire). An additional disqualification is provided in New Hampshire (Table 403, footnote 3). Only Maryland includes a disciplinary suspension in the definition of gross misconduct.

440 DISQUALIFICATION FOR A REFUSAL OF SUITABLE WORK

Disqualification for a refusal of work is provided in all State laws, with diverse provisions concerning the extent of the disqualification imposed, smaller difference in the factors to be considered in determining whether work is

ELIGIBILITY

suitable or the worker has good cause for refusing it; and practically identical statements concerning the conditions under which new work may be refused without disqualification. To protect labor standards, the Federal Unemployment Tax Act provides that no State law will be approved, so that employers may credit their States contributions against the Federal tax, unless the State law provides that--

Compensation shall not be denied in such State to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (A) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (B) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (C) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

440.01 CRITERIA FOR SUITABLE WORK.--In addition to the mandatory minimum standards, most State laws list certain criteria by which the suitability of a work offer is to be tested. The usual criteria are the degree of risk to a claimant's health, safety, and morals; the physical fitness and prior training, experience and earnings; the length of unemployment and prospects for securing local work in a customary occupation; and the distance of the available work from the claimant's residence.

These criteria are modified in some States to include other stipulations, for example: in Alabama and West Virginia, that no work is unsuitable because of distance if it is in substantially the same locality as the last regular employment which the claimant left voluntarily without good cause connected with the employment; in Indiana, that work under substantially the same terms and conditions under which the claimant was employed by a base-period employer, which is within the prior training and experience and physical capacity to perform, is suitable work unless a bona fide change in residence makes such work unsuitable because of the distance involved.

Maine does not disqualify an individual for refusal of suitable work if he refuses a position on a shift, the greater part of which falls between midnight and 5 a.m., and he is prevented from accepting the job because of family obligations. Also, Maine excludes from suitable work a job the claimant previously vacated if the reasons for leaving have not been removed or changed. Massachusetts deems work between the hours of 12 midnight and 6 a.m. not suitable for women. New Hampshire does not disqualify a claimant for being unable for or unable to accept work during the hours of the third shift if the claimant is the only adult available to care for children under age 15 during said hours or for the care of an ill or infirm dependent elderly person who is dependent for the claimant's support.

Connecticut does not deem work suitable if as a condition of being employed, the claimant would be required to agree not to leave the position if recalled by his previous employer. In Louisiana a claimant may refuse work if the remuneration from the employer is below 60 percent of the individual's highest rate of pay in the base period. In Wisconsin a claimant has a good cause during the first six weeks of unemployment for refusing work at a lower grade of skill or significantly lower rate of pay than one or more recent jobs.

Delaware and New York make no reference to the suitability of work offered but provide for disqualification for refusals of work for which a claimant is reasonably fitted. Delaware, New York and Ohio provide, in addition to the labor standards required by the Federal law, that no refusal to accept employment shall be disqualifying if it is at an unreasonable distance from the claimant's residence or the expense of travel to and from work is substantially greater than that in the former employment, unless provision is made for such expense. Also, Ohio does not consider suitable any work a claimant is not required to accept pursuant to a labor-management agreement. South Carolina specifies that whether work is suitable must be based on a standard of reasonableness as it relates to the particular claimant involved.

ELIGIBILITY

In Illinois an individual will not be disqualified if the position offered by an employing unit is a transfer to other work and the acceptance would separate an individual currently performing the work. Iowa does not disqualify an individual for failure to apply for or accept suitable work if the individual left work in lieu of exercising a right to bump or oust an employee with less seniority. In Oregon an individual will not be disqualified for refusal of suitable work if the employer unilaterally modified the amount of wages agreed upon by the individual's collective bargaining unit and the employer. In Pennsylvania a claimant will not be disqualified for refusal of suitable work when the work is offered by his employer, and the claimant is not required to accept the offer pursuant to terms of a union contract or agreement or an established employer plan, program or policy.

A few States provide for changing the definition of suitable work as the duration of the individual's unemployment grows. The suitability of the offered wage is the factor States have chosen to alter. For example, Florida requires the agency, in developing rules to determine the suitability of work, to consider the duration of the individual's unemployment and the wage rates available. In addition, Florida law specifies that, after an individual has received 25 weeks of benefits in a single year, suitable work will be a job that pays the minimum wage and is 120 percent or more of the individual's weekly benefit amount.

Idaho law merely requires claimants to be willing to expand their job search beyond their normal trade or occupation and to accept work at a lower rate of pay in order to remain eligible for benefits as the length of their unemployment grows. Louisiana will not disqualify an individual for refusing suitable work if the offered work pays less than 60 percent of the individual's highest rate of pay in the base period. Utah considers all earnings in the base year, not just earnings from the most recent employer, in the determination of suitable work and specifies that the agency will be more prone to consider work suitable the longer the claimant is unemployed and less likely that the claimant will secure local work in his or her customary occupation. Wyoming will apply the refusal-of-suitable work disqualification if, after 4 weeks of unemployment, the individual failed to apply for and accept suitable work other than his customary occupation offering at least 50 percent of the compensation earned in his or her previous occupation.

Georgia specifies that, after an individual has received 10 weeks of benefits, no work will be considered unsuitable if it pays wages equal to at least 66 percent of the individual's highest quarter earnings in the base period and is at least equal to the Federal or State minimum wage.

Iowa law specifies that work is suitable if it meets the other criteria in the law and the gross weekly wage of the offered work bears the following relationship to the individual's high-quarter average weekly wage: (1) 100 percent during the first 5 weeks of unemployment; (2) 75 percent from the 6th through the 12th week of unemployment; (3) 70 percent from the 13th through the 18th week of unemployment; and (4) 65 percent after the 18th week of unemployment. No individual, however, is required to accept a job paying below the Federal minimum wage.

After 12 weeks of unemployment, Maine no longer considers the individual's prior wage in determining whether work is suitable. After 8 weeks of unemployment, Mississippi law specifies that work is suitable if the offered employment pays the minimum wage or higher and the wage is that prevailing for the individual's customary occupation or similar work in the locality. Montana after 13 weeks of unemployment, specifies that a suitable work offer need only include wages equal to 75 percent of the individual's earnings in his previous customary insured work but not less than the Federal minimum wage. North Dakota law specifies that after an individual has received 18 weeks of benefits, suitable work will be any work that pays wages equal to the maximum weekly benefit amount; providing that consideration is given to the degree of risk involved to the individual's health, safety, morals, his physical fitness and the distance of the work from his residence.

In Michigan the individual's experience and prior earnings will be limited. After 12 weeks an individual will be disqualified for refusing an offer of work if the wages for that week are at least 80 percent of pre-employment

ELIGIBILITY

earnings, after 13-20 weeks and 21 weeks and above if the wages are at least 15 percent and 70 percent respectively of the pre-employment earnings.

440.02 PERIOD OF DISQUALIFICATION.--Some States disqualify for a specified number of weeks (3 to 20) any claimants who refuse suitable work; others postpone benefits for a variable number of weeks, with the maximum ranging from 1 to 12. More than half the States disqualify, for the duration of the unemployment or longer, claimants who refuse suitable work. Most of these specify an amount that the claimant must earn, or a period of time the claimant must work to remove the disqualification.

Of the States that reduce potential benefits for refusal of suitable work, the majority provide for reduction by an amount equal to the number of weeks of benefits postponed.

The relationship between availability for work and refusal of suitable work was pointed out in the discussion of availability (sec. 410). The Wisconsin provisions for suitable work recognize this relationship by stating: "If the commission determines that a failure to accept suitable work has occurred with good cause, but that the employee is unable to work or unavailable for work, he shall be ineligible for the week in which such failure occurred and while such inability or unavailability continues."

445 LABOR DISPUTES

Unlike the disqualifications for voluntary leaving, discharge for misconduct, and refusal of suitable work, the disqualifications for unemployment caused by a labor dispute do not involve a question of whether the unemployment is incurred through fault on the part of the individual worker. Instead, they mark out an area that is excluded from coverage. This exclusion rests in part on an effort to maintain a neutral position in regard to the dispute and, in part, to avoid potentially costly drains on the unemployment funds.

The principle of "neutrality" is reflected in the type of disqualification imposed in all of the State laws. The disqualification imposed is always a postponement of benefits and in no instance involves reduction or cancellation of benefit rights. Inherently, in almost all States, the period is indefinite and geared to the continuation of the dispute-induced stoppage or to the progress of the dispute.

445.01 DEFINITION OF LABOR DISPUTE.--Except for Alabama, Arizona and Minnesota, no State defines labor dispute. The laws use different terms; for example, labor dispute, trade dispute, strike, strike and lockout, or strike or other bona fide labor dispute. Some States exclude lockouts, presumably to avoid penalizing workers for the employer's action; several States exclude disputes resulting from the employer's failure to conform to the provisions of a labor contract; and a few States, those caused by the employer's failure to conform to any law of the United States or the State on such matters as wages, hours, working conditions, or collective bargaining, or disputes where the employees are protesting substandard working conditions (Table 405).

445.02 LOCATION OF THE DISPUTE.--Usually a worker is not disqualified unless the labor dispute is in the establishment in which the worker was last employed. Idaho omits this provision; North Carolina, Oregon, Texas and Virginia include a dispute at any other premises which the employer operates if the dispute makes it impossible for the employer to conduct work normally in the establishment in which there is no labor dispute. Michigan includes a dispute at any establishment within the United States functionally integrated with the striking establishment or owned by the same employing unit. Ohio includes disputes at any factory, establishment, or other premises located in the United States and owned or operated by the employer.

445.03 PERIOD OF DISQUALIFICATION.--In most States the period of disqualification ends whenever the "stoppage of work because of a labor dispute" comes to an end or the stoppage ceases to be caused by the labor

ELIGIBILITY

dispute. In other States, disqualifications last while the labor dispute is in "active progress," and in Arizona, Connecticut, Idaho, Montana, New Mexico, North Dakota, Ohio, Rhode Island, South Dakota and Washington, while the workers' unemployment is a result of a labor dispute (Table 405).

A few State laws allow individuals to terminate a disqualification by showing that the labor dispute (or the stoppage of work) is no longer the cause of their unemployment. The Missouri law specifies that bona fide employment of the claimant for at least the major part of each of 2 weeks will terminate the disqualification; the Michigan law provides that if a claimant works in at least 2 consecutive calendar weeks, and earns wages in each week of at least the weekly benefit amount based on employment with the employer involved in the labor dispute, the disqualification will terminate; and the New Hampshire law specifies that the disqualification will terminate 2 weeks after the dispute is ended even though the stoppage of work continues. In contrast, the Arkansas, Colorado, North Carolina and Tennessee laws extend the disqualification for a reasonable period of time necessary for the establishment to resume normal operations; and Michigan and Virginia extend the period to shutdown and start up operations. Under the Maine, Massachusetts, New Hampshire and Utah laws, a claimant may receive benefits if, during a stoppage of work resulting from a labor dispute, the claimant obtains employment with another employer and earns a specified amount of wages (Table 405). However, base-period wages earned with the employer involved in the dispute cannot be used for benefit payments while the stoppage of work continues.

Only one State provides for a definite period of disqualification. In New York a worker, unemployed because of a strike, lockout or concerted activity not authorized or sanctioned by the collective bargaining unit in the establishment where such individual was employed, can accumulate effective days after 7 weeks and the waiting period, or earlier if the controversy is terminated earlier. In addition to the usual labor dispute provision, Michigan, in a few specified cases, disqualifies for 6 weeks in each of which the claimant must either earn remuneration in excess of \$25 or meet the regular eligibility requirements, plus an equal reduction of benefits based on wages earned with the employer involved.

In Indiana termination of employment with the employer involved in the dispute is sufficient showing that the unemployment is not caused by the dispute.

445.04 EXCLUSION OF INDIVIDUAL WORKERS.--Alabama, California, Delaware, Kentucky, New York, North Carolina, Ohio, Utah and Wisconsin do not exempt from disqualification those workers who are not taking part in the labor dispute and who have nothing to gain by it. In Minnesota an individual is disqualified for 1 week if the individual is not participating in or directly interested in the labor dispute. In Texas the unemployment must be caused by the claimant's stoppage of work. Utah applies a disqualification only in case of a strike involving a claimant's grade, class, or group of workers if one of the workers in the grade, class, or group fomented or was a party to the strike; if the employer or employer's agent and any of the workers or their agents conspired to foment the strike, no disqualification is applied. Massachusetts provides specifically that benefits will be paid to an otherwise eligible individual from the period of unemployment to the date a strike or lockout commenced, if such individual becomes involuntarily unemployed during negotiations of a collective-bargaining contract. New Hampshire provides that an individual will not be disqualified if the stoppage of work was due to a lockout or a failure of the employer to live up to the provisions of any agreement or contract entered into between the employer and his employee. Minnesota provides that an individual is not disqualified if he is dismissed during negotiations prior to a strike or if unemployment is caused by an employer's willful failure to comply with either Federal and State occupational safety and health laws or safety and health provisions in a union agreement. Ohio provides that the labor dispute disqualification will not apply if the claimant is laid off for an indefinite period and not recalled to work prior to the dispute or was separated prior to the dispute for reasons other than the labor dispute, or if he obtains a bona fide job with another employer while the dispute is still in progress. Oregon provides that the labor dispute disqualification will not apply if the claimant was laid off prior to the dispute and did not work more than 7 days during the 21 calendar days immediately prior to the dispute or if during the dispute the individual's job or position was filled by a permanent replacement,

ELIGIBILITY

and the individual unilaterally abandons the dispute and seeks reemployment with the employer. Tennessee provides that the labor dispute disqualification will not apply if the claimant was indefinitely separated prior to the dispute and otherwise eligible. Connecticut provides that an apprentice, unemployed because of a dispute between his employer and journeymen, shall not be held ineligible for benefits if he is available for work. Indiana excludes from disqualification individuals not recalled after the labor dispute has been terminated and sufficient time to resume normal activities has elapsed. The other States provide that individual workers are excluded if they and others of the same grade or class are not participating in the dispute, financing it, or directly interested in it, as indicated in Table 405.

450 DISQUALIFICATION OF SPECIAL GROUPS

Under all State laws, students who are not available for work while attending school and individuals who quit their jobs because of marital obligations which make them unavailable for work would not qualify for benefits under the regular provisions concerning ability to work and availability for work. Also, under those laws that restrict good cause for voluntary leaving to that attributable to the employer or to the employment, workers who leave work to return to school or who become unemployed because circumstances related to their family obligations are subject to disqualification under the voluntary-quit provision (Table 401). However, most States supplement their general able-and-available and disqualification provisions by the addition of one or more special provisions applicable to students or individuals separated from work because of family or marital obligations. Most of these special provisions restrict benefits more than the usual disqualification provisions (sec. 430).

In addition to these special State provisions, the Federal law was amended by Public Law 94-566 to require denial of benefits to certain categories of claimants--professional athletes, some aliens and school personnel--and to prohibit States from denying benefits solely on the basis of pregnancy or the termination of pregnancy.

450.01 INDIVIDUALS WITH MARTIAL OBLIGATIONS.--The States with special provisions for unemployment because of martial obligations all provide for disqualification rather than a determination of unavailability. Generally, the disqualification is applicable only if the individual left work voluntarily (Table 406).

The situations to which these provisions apply are stated in the law in terms of one or more of the following causes of separation: leaving to marry; to move with spouse or family; because of marital, parental, filial, or domestic obligations; and to perform duties of housewife. The disqualification or determination of unavailability usually applies to the duration of the individual's unemployment or longer. However, exceptions are provided in Idaho and Nevada.

450.02 STUDENTS.--Most States exclude from coverage service performed by students for educational institutions (Table 103); New York also excludes part-time work by a day student in elementary or secondary school. In addition, many States have special provisions limiting the benefit rights of students who have had covered employment (Table 407). In some of these States the disqualification is for the duration of the unemployment; in others, during attendance at school or during the school term. Colorado provides for a disqualification of from 6 to 12 weeks plus an equal reduction in benefits. In Iowa a student is considered to be engaged in "customary self-employment" and as such is not eligible for benefits; Idaho does not consider a student unemployed while attending school during the customary working hours of the occupation, except for students in approved training.

A few States disqualify claimants during school attendance and some States extend the disqualification to vacation periods. In Utah the disqualification is not applicable if the major portion of the individual's base-period wages were earned while attending school, and, in New Jersey, if the individual earned wages sufficient to qualify for benefits while attending school the disqualification does not apply. In other States students are deemed unavailable for work while attending school and during vacation periods. California, Connecticut, Indiana and Louisiana make an exception for students regularly employed and available for suitable work. In Ohio a student is eligible for benefits

ELIGIBILITY

providing the base-period wages were earned while in school and the student is available for work with any base-period employer or for any other suitable employment. In Oklahoma an individual in school, and otherwise eligible for benefits, is not disqualified if the individual offers to quit school, adjust class hours or change shifts in order to secure employment.

450.03 SCHOOL PERSONNEL.--Federal law requires States to deny benefits to instructional, research or principal administrative employees of educational institutions between successive academic years or terms, or, when an agreement so provides, between two regular but not successive terms, if the individual performed one of the three types of services in the first year or term and has a contract or a reasonable assurance of performing one of the three types of services in the second year or term. The denial also applies to vacation or holiday periods within school years or terms.

The Federal law was amended to permit a State, at its option, to deny benefits between successive academic years or terms to other employees of a school or by an educational service agency who perform services to or on behalf of an educational institution if the individual performed services (other than the three types described above) in the one year or term and has a reasonable assurance or a contract to perform services in the second year or term. The option for denial of benefits also applies to vacation or holiday periods within school years or terms. Further, Federal law requires States to pay benefits retroactively to school personnel, other than those performing services in an instructional, research or principal administrative capacity, if they were given a reasonable assurance of reemployment but were not, in fact, rehired when the new school term or year began. Kansas and Wisconsin also apply a between and within-terms denial to school bus drivers not employed by governmental entities or nonprofit organizations.

Alaska provides State interim benefits, if money is appropriated from the general fund, to nonprofessional employees of educational institutions who are noncertificated and provide compensated services to a school district for teaching indigenous languages if the individual's benefits are reduced or denied under the between terms or during vacation period provisions of the law.

450.04 PROFESSIONAL ATHLETES.--Public law 94-566 amended the Federal law to require States to deny benefits to an individual between two successive sport seasons if substantially all of his services in the first season consist of participating in or preparing to participate in sports or athletic events and he has a reasonable assurance of performing similar services in the second season.

450.05 ALIENS.--Public Law 94-566 also amended Federal law to require denial of benefits to certain aliens. Benefits may not be paid based on service performed by an alien unless the alien is one who (1) was lawfully admitted for permanent residence at the time the services were performed and for which the wages paid are used as wage credits; (2) was lawfully present in the United States to perform the services for which the wages paid are used as wages credits; or (3) was permanently residing in the United States "under color of law," including one lawfully present in the United States under provisions of the Immigration and Nationality Act.

To avoid discriminating against certain groups in the administration of this provision, Federal law requires that the information designed to identify illegal nonresident aliens must be requested of all claimants. Whether or not the individual is a permanent resident is to be decided by a preponderance of the evidence.

455 DISQUALIFICATION FOR FRAUDULENT MISREPRESENTATION TO OBTAIN BENEFITS

All States have special disqualifications covering fraudulent misrepresentation to obtain or increase benefits (Table 409). These disqualifications from benefits are administrative penalties. In addition, the State laws contain provisions for (a) the repayment of benefits paid as the result of fraudulent claims or their deduction from potential

ELIGIBILITY

future benefits, and (b) fines and imprisonment for willfully or intentionally misrepresenting or concealing facts which are material to a determination concerning the individual's entitlement to benefits.

455.01 RECOVERY PROVISIONS.--All State laws make provision for the agencies to recover benefits paid to individuals who later are found not to be entitled to them. A few States provide that, if the overpayment is without fault on the individual's part, the individual is not liable to repay the amount, but it may, at the discretion of the agency, be deducted from future benefits. Louisiana provides alternative remedies for collection of overpayments by means of assessment and executory procedure. Louisiana, Massachusetts, Michigan and South Carolina permit collection of benefit overpayments from State tax refunds otherwise due the individual. Virginia permits a claimant to use a credit card to pay overpayments. Some States limit the period within which recovery may be required--90 days in Tennessee; 1 year in Connecticut, Nevada and New Mexico; 2 years in Arkansas, Florida, Minnesota, North Dakota and Washington; 3 years in Indiana, Louisiana, Maryland, Michigan, Nebraska, Utah, Vermont and Wyoming; 4 years in New Jersey; 5 years in Colorado, Delaware (however overpayments may be written off within 3 years), Idaho, Illinois, Kentucky, and Mississippi; 6 years in Alabama and Massachusetts; and 8 years in Idaho. In Oregon recovery is limited to the existing benefit year and the 52 weeks immediately following. In Oklahoma recovery continues into the next subsequent benefit year that begins within 1 year of the expiration of the current benefit year. Eleven States^{1/} provide that, in the absence of fraud, misrepresentation, or nondisclosure, the individual shall not be liable for the amount of overpayment received without fault on the individual's part where the recovery thereof would defeat the purpose of the act and be against equity and good conscience. Thirteen other States^{2/} provide that recovery may be waived under such conditions. In Minnesota benefits paid through error or fraud may be waived if determined uncollectible due to death or bankruptcy or overpayments may be waived as a result of administrative failure to determine that an individual's wage credits were not earned in covered employment.

In many States the recovery of benefits paid as the result of fraud on the part of the recipient is made under the general recovery provision. More than half the States^{3/} have a provision that applies specifically to benefit payments received as the result of fraudulent misrepresentation. All but a few States provide alternative methods for recovery of benefits fraudulently received; the recipient may be required to repay the amounts in cash or to have them offset against future benefits payable. New York provides that a claimant shall refund all moneys received because of misrepresentation; and Alabama, for withholding future benefits until the amount due is offset. In Massachusetts, Minnesota, Texas, Vermont and Wisconsin the commission may, by civil action, recover any benefits obtained through misrepresentation. Delaware, Georgia, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Montana, North Dakota, Ohio, Oklahoma, Pennsylvania, and Washington charge interest on fraudulently obtained benefits. Also, in Arizona through regulation. In Colorado, Georgia and Wyoming a penalty is assessed and also in Louisiana if legal collection efforts are pursued. In Kansas, Maryland, and Oklahoma the accrued interest may not be offset against future benefits.

455.02 CRIMINAL PENALTIES.--Nine State laws (Alaska, Georgia, Hawaii, Maryland, Minnesota, North Carolina, North Dakota, Tennessee and Virginia) provide that any fraudulent misrepresentation or nondisclosure to obtain, increase, reduce, or defeat benefit payments is a misdemeanor, punishable according to the State criminal law. Under the Kansas law, anyone making a false statement or failing to disclose a material fact in order to obtain or increase benefits is guilty of theft and punishable under the general criminal statutes. These States (excluding Alaska)

^{1/}Ariz., Ark., Calif., Fla., Hawaii, Mont., Nebr., Nev., R.I., Tenn. and Wyo.

^{2/}Ala., Colo., Ill., Kans., La., Maine, Mass., Mich., N.C., N.Dak., S.Dak., Utah and Wash.

^{3/}Ariz., Ark., Calif., Colo., Del., D.C., Fla., Ga., Hawaii, Ind., La., Maine, Mich., Minn., Mo., Nebr., Nev., N.H., N.Y., Ohio, Okla., Oreg., P.R., Utah, Vt., Wash., Wisc. and Wyo.

ELIGIBILITY

have no specific penalties in their unemployment laws with respect to fraud in connection with a claim. In Alaska a penalty of 50 percent of fraudulently received benefits; however this penalty may be waived. They therefore rely on the general provisions of the State criminal code for the penalty to be assessed in the case of fraud. Fraudulent misrepresentation or nondisclosure to obtain or increase benefits is a felony under the Idaho and Florida laws, and larceny under the Puerto Rico law. The other States include in the law a provision for a fine (maximum \$20 to \$2,000) or imprisonment (maximum 30 days to 1 year), or both (Table 408). In a few States the penalty on the employer is greater, in some cases considerably greater, than that applicable to the claimant. Usually the same penalty applies if the employer knowingly makes a false statement or fails to disclose a material fact to avoid becoming or remaining subject to the act or to avoid or reduce contributions. New Jersey imposes a fine of \$250 to \$1,000 if an employer files a fraudulent contribution report, and imposes the same fine if an employer aids or abets an individual in obtaining more benefits than those to which the claimant is entitled. A few States provide no specific penalty for fraudulent misrepresentation or nondisclosure; in these States the general penalty is applicable (Table 408, footnote 4). The most frequent fine on the worker is \$20-\$50 and on the employer, \$20-\$200.

455.03 DISQUALIFICATION FOR MISREPRESENTATION.--The provisions for disqualification for fraudulent misrepresentation follow no general pattern. In nine States^{1/} there is a more severe disqualification when the fraudulent act results in payment of benefits; in California, New Hampshire, Oregon, Pennsylvania and Virginia, when the claimant is convicted.

In California any claimant convicted of misrepresentation under the penalty provisions is disqualified for 1 year. In Rhode Island and Wyoming there is no disqualification unless the claimant has been convicted of fraud by a court of competent jurisdiction. On the other hand, in Hawaii, Puerto Rico, Vermont and the Virgin Islands a claimant is not subject to the administrative disqualification if penal procedures have been undertaken; in Massachusetts, administrative disqualification precludes initiation of penal procedures.

Seventeen States include a statutory limitation on the period within which a disqualification for fraudulent misrepresentation may be imposed (Table 409, footnote 3). The length of the period is usually 2 years and, in six States, the period runs from the date of the offense to the filing of a claim for benefits. In these States the disqualification can be imposed only if the individual files a claim for benefits within 2 years after the date of the fraudulent act. In Connecticut the disqualification may be imposed if a claim is filed within 6 years after the benefit year in which the offense occurred. In four States the disqualification may be imposed only if the determination of fraud is made within 2 or 4 years after the date of the offense.

In many States the disqualification is, as would be expected, more severe than the ordinary disqualification provisions. In 17 States the disqualification is for at least a year; in others it may last longer. The provisions are difficult to compare because some disqualifications start with the date of the fraudulent act, while others begin with the discovery of the act, the determination of fraud, the date on which the individual is notified to repay the sum so received, or conviction by a court; some begin with the filing of a first claim, while others are for weeks that would otherwise be compensable. The disqualification provisions are, moreover, complicated by tie-in with recoupment provisions and by retroactive imposition.

^{1/}Idaho, Ky., La., Maine, Md., Mich., Ohio, Utah and Vt.

ELIGIBILITY

Table 400.--Ability to Work, Availability for Work, and Seeking Work Requirements

State	Able to work and available for--			Actively seeking work (41 States)	Special provision for illness or disability during unemployment <u>1/</u> (11 States)
	Work (32 States)	Suitable work (12 States)	Work in usual occupation or for which reasonably fitted by prior training or experience (9 States)		
(1)	(2)	(3)	(4)	(5)	(6)
Ala.	• • • • •	• • • • •	X <u>2/</u>	X	• • • • •
Alaska	• • • • •	X <u>3/</u>	• • • • •	• • • • •	X <u>1/</u>
Ariz.	X <u>11/</u>	• • • • •	• • • • •	• • • • •	• • • • •
Ark.	• • • • •	X <u>3/</u>	• • • • •	X <u>5/</u>	• • • • •
Calif.	X <u>3/</u>	• • • • •	• • • • •	X	• • • • •
Colo.	• • • • •	X	• • • • •	X	• • • • •
Conn.	X <u>4/</u>	• • • • •	• • • • •	X	• • • • •
Del.	X <u>4/</u>	• • • • •	• • • • •	X <u>5/</u>	X
D.C.	X <u>10/</u>	• • • • •	• • • • •	X <u>9/</u>	• • • • •
Fla.	X	• • • • •	• • • • •	• • • • •	• • • • •
Ga.	X <u>6/</u>	• • • • •	• • • • •	X <u>7/</u>	• • • • •
Hawaii	X	• • • • •	• • • • •	<u>5/</u>	X
Idaho <u>3/</u>	• • • • •	X	• • • • •	X	X <u>1/</u>
Ill. <u>3/</u>	X <u>2/</u>	• • • • •	• • • • •	X	• • • • •
Ind. <u>3/</u>	X	• • • • •	• • • • •	X	• • • • •
Iowa <u>12/</u>	X	• • • • •	• • • • •	X	• • • • •
Kans.	• • • • •	• • • • •	X	X	• • • • •
Ky.	• • • • •	X	• • • • •	X	• • • • •
La.	X	• • • • •	• • • • •	X	• • • • •
Maine	• • • • •	• • • • •	X <u>13/</u>	X	• • • • •
Md.	X <u>11/</u>	• • • • •	• • • • •	X <u>7/</u>	X
Mass.	• • • • •	• • • • •	X	X	X <u>1/</u>
Mich.	• • • • •	• • • • •	X <u>2/</u>	X <u>5/</u>	• • • • •
Minn. <u>3/</u>	X	• • • • •	• • • • •	X	• • • • •
Miss.	X	• • • • •	• • • • •	• • • • •	• • • • •
Mo.	X	• • • • •	• • • • •	X <u>5/</u>	• • • • •
Mont.	X	• • • • •	• • • • •	X	X
Nebr.	X <u>6/8/</u>	• • • • •	• • • • •	• • • • •	• • • • •
Nev.	X	• • • • •	• • • • •	• • • • •	X
N.H.	• • • • •	X	• • • • •	X	• • • • •
N.J.	X <u>6/</u>	• • • • •	• • • • •	X	• • • • •
N.Mex.	X	• • • • •	• • • • •	X <u>5/</u>	• • • • •
N.Y.	• • • • •	• • • • •	X <u>6/</u>	• • • • •	• • • • •
N.C. <u>14/</u>	X <u>6/</u>	• • • • •	• • • • •	X <u>5/9/</u>	• • • • •
N.Dak.	• • • • •	X	• • • • •	X	X <u>1/</u>
Ohio	• • • • •	X <u>2/</u>	• • • • •	X <u>5/</u>	• • • • •
Okla.	X	• • • • •	• • • • •	X <u>9/</u>	• • • • •
Oreg.	• • • • •	X <u>3/</u>	• • • • •	X	• • • • •

(Table continued on next page)

ELIGIBILITY

Table 400.--Ability to Work, Availability for Work, and Seeking Work Requirements (Continued)

State	Able to work and available for--			Actively seeking work (41 States)	Special provision for illness or disability during unemployment 1/ (11 States)
	Work (32 States)	Suitable work (12 States)	Work in usual occupation or for which reasonably fitted by prior training or experience (9 States)		
(1)	(2)	(3)	(4)	(5)	(6)
Pa.	• • • • •	X	• • • • •	• • • • •	• • • • •
P.R.	• • • • •	X	• • • • •	• • • • •	• • • • •
R.I.	X	• • • • •	• • • • •	X	• • • • •
S.C.	• • • • •	• • • • •	X 2/	X	• • • • •
S.Dak.	X	• • • • •	• • • • •	• • • • •	• • • • •
Tenn. 14/	X 6/	• • • • •	• • • • •	• • • • •	X
Tex.	X	• • • • •	• • • • •	• • • • •	• • • • •
Utah	X	• • • • •	• • • • •	X	• • • • •
Vt.	X	• • • • •	• • • • •	X 9/	X
Va. 3/	X 6/	• • • • •	• • • • •	X	• • • • •
V.I.	• • • • •	X	• • • • •	X	• • • • •
Wash. 3/	• • • • •	• • • • •	X 6/	X 9/	• • • • •
W.Va.	• • • • •	• • • • •	X 11/	X	• • • • •
Wis.	X	• • • • •	• • • • •	X 9/	• • • • •
Wyo.	X	• • • • •	• • • • •	X	• • • • •

1/Claimants are not ineligible if unavailable because of illness or disability occurring after filing claim and registering for work if no offer of work that would have been suitable at time of registration is refused after beginning of such disability; in Idaho only if no suitable work was available that would have paid wages greater than one-half of the individual's wba; in Alaska waiver may not exceed 6 consec. wks; in Mass. provision is applicable for 3 weeks only in a BY; in N.Dak. only if illness not covered by workers' compensation.

2/In locality where BPWs were earned or where suitable work may reasonably be expected to be available, Ala. and S.C.; where the commission finds such work available, Mich.; where suitable work is normally performed, Ohio; where opportunities for work are substantially as favorable as those in the locality from which he has moved, Ill..

3/Intrastate claimant not ineligible if unavailability is caused by noncommercial fishing or hunting necessary for survival or if traveling to obtain medical services outside residence for himself, spouse or dependent if suitable work is not offered, Alaska; claimant not ineligible if unavailable 2 or 4 workdays because of death in immediate family or unlawful detention, Calif.; claimant not ineligible if unavailable for 7 days because of death in immediate family, or if required to withdraw from the labor market for less than 4 days in the week for compelling personal emergency, Ark.; not unavailable if compelling personal circumstance requires absence from normal market area for less than major part of wk., Idaho; claimant in county or city work relief program not unavailable solely for that reason, Oreg.. Claimant not ineligible solely because of serving on grand or petit jury, or responding to a subpoena, Calif.; not unavailable if claimant is serving as a prospective or impaneled juror, Alaska.. For special provisions in other States noted concerning benefits for claimants unable to work or unavailable for part of a week, see sec. 410.

4/Involuntarily retired individual eligible if registered for work, able to work, and not refusing a suitable job offer, Conn.; if available for work suitable in view of age, physical condition, and other circumstances, Del..

5/Employees temporarily laid off for not more than 45 days deemed available for work and actively seeking work if the employer notifies the agency that the layoff is temporary, Del., Mich., Ohio, for no more than 8 wks., Ark., and Mo.; and for no more than 4 wks. or if the individual has an offer in writing for full-time work that will begin in 4 wks, N.Mex.. Individual customarily employed in seasonal employment must show that he is actively seeking work for which he is qualified by past experience or training during the nonseasonal period, N.C.. Claimant must make an active search for work if he voluntarily left work because of marital obligations or approaching marriage, Hawaii..

6/Claimant deemed available while on involuntary vacation without pay, Nebr. and N.J.; unavailable for 2 weeks or less in CY if unemployment is result of vacation, Ga. and N.C.; eligible only if he is not on a bona fide vacation, Va.. Vacation shutdown pursuant to agreement or union contract is not of itself a basis for ineligibility, N.Y. and Wash.. Vacation caused by plant shutdown not basis for denial of benefits if individual does not receive vacation pay for the period, Tenn...

(Footnotes continued on next page)

ELIGIBILITY

(Footnotes for Table 400 Continued)

7/And is bona fide in the labor market, Ga. Not applicable to persons unemployed because of plant shutdown of up to 10-26 weeks if conditions justify, or to person 60 or over who has been furloughed and is subject to recall; blindness or severe handicap do not make a person ineligible if the person was employed by the Maryland Workshop for the Blind prior to his unemployment, Md.

8/Receipt of nonservice connected total disability pension by veteran at age 65 or more shall not of itself preclude ability to work.

9/Requirement not mandatory; see text, Okla., Vt., Wash., Wisc.; by judicial interpretation, D.C.; by regulation, N.C.

10/Considers ineligible any individual who makes a claim for any week during which he is a prisoner in a penal or correctional institution.

11/A member of the National Guard or other reserve component of the U.S. Armed Forces may not be considered employed or unavailable for work while engaged in inactive duty for training, Ariz., Md., and W.Va.

12/Iowa waives the able to work, available for work and actively seeking work requirement if an individual left work in lieu of exercising bumping rights to oust an employee with less seniority, also if the individual is partially unemployed while employed at the regular job.

13/No individual will be ineligible for benefits because he is unable to accept employment on a shift, the greater part of which falls between midnight and 5 a.m. and is prevented from accepting the job because of family obligations.

14/An individual who tests positive for drugs will be considered unavailable for work if the test is required as a condition of hire and the job would be suitable work for the individual, N.C.; an individual will not be considered unavailable for leaving most recent work either to avoid a drug or alcohol screening test, or after receiving a positive result to a drug or alcohol screening test, Tenn.

ELIGIBILITY

Table 401.--Disqualification for Voluntary Leaving and Disqualification Imposed

State	Benefits postponed for--3/4/			Benefits reduced 4/7/
	Fixed Number of weeks 5/	Variable Number of weeks 5/	Duration of Unemployment	
(1)	(2)	(3)	(4)	(5)
Ala.	• • • • •	• • • • •	+10 x wba 4/	6-12 x wba
Alaska	W-5 3/4/	• • • • •	• • • • •	3 x wba
Ariz.	• • • • •	• • • • •	+5 x wba	• • • • •
Ark.	• • • • •	• • • • •	+30 days work	• • • • •
Calif.	• • • • •	• • • • •	+5 x wba	• • • • •
Colo.	WF+10	• • • • •	• • • • •	Equal
Conn.	• • • • •	• • • • •	+10 x wba 2/	• • • • •
Del.	• • • • •	• • • • •	+4 wks. of work and 4 x wba	• • • • •
D.C.	• • • • •	• • • • •	+10 wks. of work and wages equal to 10 x wba 4/	• • • • •
Fla.	• • • • •	• • • • •	+17 x wba 4/	• • • • •
Ga.	• • • • •	• • • • •	+10 x wba	• • • • •
Hawaii	• • • • •	• • • • •	+5 x wba	• • • • •
Idaho	• • • • •	• • • • •	+16 x wba	• • • • •
Ill.	• • • • •	• • • • •	+wages equal to wba in each of 4 wks.	• • • • •
Ind.	• • • • •	• • • • •	+wages equal to wba in each of 8 wks.	BY 25%
Iowa	• • • • •	• • • • •	+10 x wba 4/	• • • • •
Kans.	• • • • •	• • • • •	+3 x wba	• • • • •
Ky.	• • • • •	• • • • •	+10 wks of covered work and wages equal to 10 x wba 4/	• • • • •
La.	• • • • •	• • • • •	+10 x wba	BY 50%
Maine	• • • • •	• • • • •	+4 x wba 4/9/	• • • • •
Md.	• • • • •	W+5-10 3/4/	+15 x wba 3/4/	• • • • •
Mass. 4/	• • • • •	• • • • •	+8 wks of work and wages of 8 x wba	• • • • •
Mich. 4/	• • • • •	• • • • •	Lesser of 7 x wba or 40 x State min. hour wage x 7	• • • • •
Minn.	• • • • •	• • • • •	+4 wks. of work and wages equal to 8 x wba	• • • • •
Miss.	• • • • •	• • • • •	+8 x wba	• • • • •
Mo.	• • • • •	• • • • •	+10 x wba 4/	• • • • •
Mont.	• • • • •	• • • • •	+6 x wba 3/	• • • • •
Nebr.	• • • • •	W+7-10 4/11/	• • • • •	Equal 4/7/
Nev.	• • • • •	• • • • •	+10 x wba 2/	• • • • •
N.H.	• • • • •	• • • • •	+5 wks. of covered work with earnings equal to 20% more than wba in each	• • • • •
N.J.	• • • • •	• • • • •	+4 wks. of covered work and wages equal to 6 x wba	• • • • •
N.Mex.	• • • • •	• • • • •	+5 x wba in covered work	• • • • •
N.Y.	• • • • •	• • • • •	+3 day work in each of 5 wks. and 5 x wba	• • • • •
N.C.	• • • • •	3/	+10 x wba earned in at least 5 wks. 3/	3/
N.Dak.	• • • • •	• • • • •	+8 x wba 4/	• • • • •

(Table continued on next page)

ELIGIBILITY

Table 401.—Disqualification for Voluntary Leaving and Disqualification Imposed (Continued)

State	Benefits postponed for-- <u>3/4/</u>			Benefits reduced <u>4/7/</u>
	Fixed Number of weeks <u>5/</u>	Variable Number of weeks <u>5/</u>	Duration of Unemployment	
(1)	(2)	(3)	(4)	(5)
Ohio	• • • • •	• • • • • • • • •	+6 wks. in covered work <u>4/12/</u>	• • • • •
Okla.	• • • • •	• • • • • • • • •	+10 x wba	• • • • •
Oreg. <u>15/</u>	• • • • •	• • • • • • • • •	+4 x wba <u>14/</u>	8 x wba
Pa.	• • • • •	• • • • • • • • •	+6 x wba	• • • • •
P.R.	• • • • •	• • • • • • • • •	+4 wks. of work and wages equal to 10 x wba	• • • • •
R.I.	• • • • •	• • • • • • • • •	+4 wks. of work in each of which he earned at least 20 x min. hourly wage.	• • • • •
S.C.	• • • • •	• • • • • • • • •	+8 x wba	• • • • •
S.Dak.	• • • • •	• • • • • • • • •	+6 wks. in covered work and wages equal to wba in each wk. <u>4/</u>	• • • • •
Tenn.	• • • • •	• • • • • • • • •	+10 x wba in covered work <u>4/</u>	• • • • •
Tex.	• • • • •	• • • • • • • • •	+6 wks. of work or wages equal to 6 x wba <u>5/</u>	• • • • •
Utah	• • • • •	• • • • • • • • •	+6 x wba	• • • • •
Vt.	• • • • •	• • • • • • • • •	+in excess of 6 x wba <u>10/</u>	• • • • •
Va.	• • • • •	• • • • • • • • •	+30 days' work <u>4/</u>	• • • • •
V.I.	• • • • •	• • • • • • • • •	+4 wks. of work and 4 x wba	• • • • •
Wash.	• • • • •	• • • • • • • • •	+5 wks. of work and wages in each wk. of 5 x wba.	• • • • •
W.Va.	• • • • •	• • • • • • • • •	+30 days' work <u>4/</u>	• • • • •
Wis.	<u>10/13/</u>	• • • • • • • • •	+4 wks. elapsed and 4 x wba	• • • • •
Wyo.	• • • • •	• • • • • • • • •	+12 wks. of work and wages equal to 12 x wba	• • • • •

3/In Alaska, disqualification is terminated if claimant returns to work and earns at least 8 x wba. In Mont., disqualification is terminated after claimant attends school for 3 consec. months and is otherwise eligible. In Md., the duration disqualification will be imposed if a valid circumstance does not exist. However, satisfaction of type not assessed does not serve to end assessed disqualification. In N.C., the Commission may reduce permanent disqualification to a time certain but not less than 5 wks. When permanent disqualification changed to time certain, benefits shall be reduced by an amount determined by multiplying the number of wks. of disqualification by wba. Also, N.C. reduces the disqualification if an individual quits due to an impending separation to the greater of 4 wks. or the period from the wk. of filing until the end of the wk. of separation.

4/Disqualifications applicable to other than last separation as indicated: preceding separation may be considered if last employment not considered bona fide work, Ala.; when employment or time period subsequent to separation does not satisfy potential disqualification, Alaska, Fla., Iowa, Md., Mass., Mo., and Ohio; to most recent previous separation if last work was not in usual trade or intermittent, Maine; disqualification applicable to last 30-day employing unit, Va.; if employment was less than 30 days unless on an additional claim, D.C., S.Dak., and W.Va.; reduction or forfeiture of benefits applicable to separations from any BP employer, Ky. and Nebr.; any ER with whom the individual earned 8 x wba, N.Dak., and 10 x wba, Tenn.. In Mich. benefits are computed separately for each ER to be charged. When an ER's account becomes chargeable, reason for separation from that ER is considered.

5/W means wk. of occurrence; WF, wk. of filing; and WW, waiting wk. except that disqualification begins with: wk. following filing of claim, Tex..

7/"Equal" indicates reduction equal to wba multiplied by number of wks. of disqualification or, in Nebr.; the number of wks. chargeable to ER involved, if less.

(Footnotes continued on next page)

ELIGIBILITY

(Footnotes for Table 401 Continued)

9/Disqualified for duration of unemployment if voluntarily retired or retired as a result of recognized ER policy under which he receives pension and until claimant earns 6 x wba, Maine. Disqualified for W+4 if individual voluntarily left most recent work to enter self-employment, an individual who left his last or next-to-last work to seek better employment will be disqualified until he secures better employment or earns remuneration in each of 10 wks., and an individual who during the last or next-to-last work performed services for a private employer while incarcerated in a custodial or penal institution and who leaves the employment because of transfer or release from the institution is ineligible for benefits for the week of leaving and until the individual earns remuneration equal to the wba in each of 10 wks, Nev.. Voluntary retiree disqualified for the duration of unemployment and until 40 x wba is earned, Conn..

10/Disqualified for 1-6 wks. if health precludes discharge of duties of work left, Vt.. Duration disqualification not applied if claimant left employment because of transfer to work paying less than 2/3 immediately preceding wage rate; however, claimant ineligible for the wk. of termination and the 4 next following wks., Wis..

11/An individual who leaves work to accept a better job will be disqualified for the wk. of leaving and one additional wk.

12/And wages at 27.5% of the State in each week, Ohio..

13/May receive benefits based on previous employment provided claimant maintained a temporary residence near place of employment and, as a result of a reduction in hours, returned to permanent residence, Wis..

14/If an individual notifies an ER that he or she is voluntarily leaving without good cause and the ER discharges the individual no more than 15 days prior to the voluntary leaving, the discharge separation will be adjudicated as voluntary leaving. However, the individual will be eligible for benefits only for the period including the week of discharge through the week prior to the week of planned voluntary leaving date, Oreg..

15/Failure to comply with terms and conditions of an employer policy concerning the use, sale, possession or effects of controlled substances or alcohol in the work place will be considered a disqualifying act, Oreg..

ELIGIBILITY

Table 401.1--Good Cause for Voluntary Leaving Includes

State	Sexual or unwelcome harrassment	Compulsory retirement	To accept other work	Claimant's illness	To join armed forces	Good cause Restricted
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ala.	• • • • •	• • • • •	X <u>2</u> /	X	• • • • •	X <u>5</u> /
Alaska	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •
Ariz.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	X
Ark.	• • • • •	• • • • •	• • • • •	X <u>4</u> /	• • • • •	X <u>5</u> /
Calif.	X	X <u>1</u> /	• • • • •	• • • • •	• • • • •	• • • • •
Colo.	• • • • •	X	• • • • •	X <u>4</u> /	• • • • •	X <u>5</u> /
Conn.	• • • • •	• • • • •	X <u>2</u> / <u>3</u> /	<u>4</u> /	• • • • •	X <u>5</u> /
Del.	• • • • •	• • • • •	• • • • •	X	• • • • •	X <u>5</u> /
D.C.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	X
Fla.	• • • • •	• • • • •	X <u>2</u> /	X	• • • • •	X <u>5</u> /
Ga.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	X
Hawaii	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •
Idaho	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	X <u>5</u> /
Ill.	X	• • • • •	X <u>3</u> /	X <u>4</u> /	• • • • •	X
Ind.	• • • • •	X <u>1</u> /	X <u>3</u> /	X	X	X <u>5</u> /
Iowa	• • • • •	• • • • •	X	X <u>4</u> /	• • • • •	X <u>5</u> /
Kans.	X	• • • • •	X <u>3</u> /	X <u>4</u> /	X	X
Ky.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	X <u>5</u> /
La.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	X
Maine	• • • • •	• • • • •	X <u>3</u> /	X	• • • • •	X <u>5</u> /
Md.	• • • • •	• • • • •	• • • • •	X <u>4</u> /	• • • • •	X
Mass.	X	X <u>1</u> /	X <u>2</u> / <u>3</u> /	<u>4</u> /	• • • • •	X <u>5</u> /
Mich.	• • • • •	• • • • •	X <u>3</u> /	• • • • •	• • • • •	X <u>5</u> /
Minn.	X	X	X <u>3</u> /	X <u>4</u> /	• • • • •	X <u>5</u> /
Miss.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	<u>5</u> /
Mo.	• • • • •	X <u>1</u> /	X <u>2</u> /	• • • • •	• • • • •	X <u>5</u> /
Mont.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	X <u>5</u> /
Nebr.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •
Nev.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •
N.H.	• • • • •	• • • • •	X <u>3</u> /	(By regula- tion)	• • • • •	X <u>5</u> /
N.J.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	X
N.Mex.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	X
N.Y.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •
N.C.	• • • • •	• • • • •	• • • • •	X	• • • • •	X
N.Dak.	• • • • •	• • • • •	X <u>3</u> /	X <u>4</u> /	• • • • •	X
Ohio	• • • • •	• • • • •	X <u>3</u> /	• • • • •	X	• • • • •
Okla.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	X
Oreg.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •
Pa.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •
P.R.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •
R.I.	X	X <u>1</u> /	• • • • •	• • • • •	• • • • •	• • • • •
S.C.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •
S.Dak.	• • • • •	• • • • •	X <u>2</u> /	X <u>4</u> /	• • • • •	X

(Table continued on next page)

ELIGIBILITY

Table 401.1--Good Cause for Voluntary Leaving Includes (Continued)

State	Sexual or unwelcome harrassment	Compulsory retirement	To accept other work	Claimant's illness	To join armed forces	Good cause Restricted
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Tenn.	• • • • •	• • • • •	• • • • •	X	X	X 5/
Tex.	• • • • •	• • • • •	X 3/	X 4/	• • • • •	X 5/
Utah	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •
Vt.	• • • • •	• • • • •	• • • • •	X	• • • • •	X 5/
Va.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •
V.I.	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •	• • • • •
Wash.	• • • • •	• • • • •	X	X	• • • • •	X
W.Va.	• • • • •	• • • • •	X 2/	X 4/	• • • • •	X 5/
Wis.	X	X	X 3/	X 4/	• • • • •	X 5/
Wyo.	• • • • •	• • • • •	• • • • •	X 4/	• • • • •	X 5/

1/Compulsory retirement provision of a collective bargaining agreement, Calif., Ind., and Mo.; notwithstanding claimant's prior assent to establishment of program, Mass.; pursuant to a public or private plan, R.I..

2/If individual, on layoff from regular ER, quits other work to return to regular employment.

3/If left to accept permanent full-time work with another ER or to accept recall from a former ER, Kans., and Mich.; if left to accept better permanent full-time work, or if employed by two ERs but leave one ER and remains employed with the other ER, and works at least 10 wks., and loses job under nondisqualifying circumstances, if individual left to accept previously secured full-time work with an ER in individual's labor market, Ind.; if left to return to regular apprenticeable trade, Conn.; if left in good faith to accept new, permanent full-time work from which subsequent separation was for good cause attributable to the ER, Maine and Mass.; if left in good faith to accept better permanent full-time work and became unemployed due to unavailability of work before earning requalifying wages, N.H.; if left part-time work to accept employment that would increase the individual's weekly wage, Tex.; if left part-time work with a BP ER while continuing full-time work, if he attempted to return to part-time work that was available after being separated from the full-time work, Minn.. If left employment which was 200 miles from home to accept a job less than 200 miles away with a reasonable expectation of continued employment, N.Dak.. In Ohio, disqualification will not apply if an individual who was issued a layoff date quit to accept other employment and worked at that employment for 3 wks. or earned 1-1/2 times aww or \$180. Also in Ohio an individual who accepts recall from a prior ER for whom he has worked for less than 5 yrs., or who accepts other covered work within 7 days, will not be disqualified if he works at least 3 wks. and earns lesser of 1-1/2 times aww or \$180 or if refusal to accept recall would have resulted in a substantial loss of employment rights, benefits, or pension under a labor-management agreement or company policy; if left to accept other bona fide work that was held for at least 2 wks. or that pays him at least twice the wba, Ill.; if left to accept a job and earned wages of 4 x wba and was offered an aww at least equal to the aww in the most recently completed qtr. in the terminated work, or if the hrs. of work are the same or greater, or was offered the opportunity for longer term work, or if the position duties were closer to the individual's home than the terminated work; also when claiming partial benefits if an individual left to accept work offering an aww greater than the aww for the work terminated, Wis..

4/Exceptions also made for separations for compelling personal reasons, Ark.; and illness of a spouse, dependent child, or other members of the immediate family, Colo., Conn., Ill., Iowa, Wisc.; may include drug dependency, Minn.; if reason for leaving was for such urgent, compelling and necessitous nature as to make separation involuntary, Mass.; health of the individual or another person who must be cared for by the individual if furnishes a written or documentary evidence of the health problem from a physician or hospital, Md.; if advised by a practicing health care provider and after recovery offered to return but regular or comparable work was unavailable, Kans.; if furnishes a written notice from physician, however, no benefits may be paid unless the EE notifies the ER of the physician's requirement and offers to return to work when capable within 60 days of the last day of work, N.Dak.; medically advised and certified by a practitioner that continued employment presents a health hazard, S.Dak. and W.Va.; a medically verified illness of the claimant or the claimant's minor child, injury, disability or pregnancy while still available for work, Tex.; for bona fide medical reasons involving the claimant's health, Wyo..

5/Good cause restricted to that connected with the work or attributable to the ER, except as noted. In States without a restricted good cause, the exceptions to disqualification shown in this table are statutory. In N.H., restricted good cause is provided by regulation. In Miss. marital, filial, domestic reasons are not considered good cause.

ELIGIBILITY

Table 402.--Disqualification for Discharge for Misconduct 1/
(See Table 403 for Disqualification for Gross Misconduct)

State	Benefits postponed for 2/3/				Disqualification for disciplinary suspension (11 States)
	Fixed number of weeks 4/ (6 States)	Variable number of weeks 4/ (9 States)	Duration of unemployment (41 States)	Benefits reduced or canceled 3/6/	
(1)	(2)	(3)	(4)	(5)	(6)
Ala. 12/18/	W+3-7 3/	.....	Equal	W+1-3
Alaska 1/	W+5 2/3/	8/	.....	3 x wba	.....
Ariz. 18/	+5 x wba	.....	.....
Ark.	W+7 4/	.....	.....	.....	7/
Calif.	+5 x wba 4/	.....	.....
Colo.	WF+10 15/	.....	.....	Equal 13/	.....
Conn. 1/	+10 x wba	.....	.....
Del.	+4 wks. of work and 4 x wba	.....	.....
D.C.	WF+7 3/	.....	.....	8 x wba	.....
Fla. 18/	W+1-52 2/3/	+17 x wba 2/3/	.....	Duration
Ga. 1/17/	+10 x wba	Equal	.....
Hawaii	+5 x wba	.....	.....
Idaho	+16 x wba 3/	.....	.....
Ill.	+wages equal to wba in each of 4 wks.	.....	.....
Ind.	+wages equal to wba in each of 8 wks.	By 25%	.....
Iowa 1/	+10 x wba	.....	.....
Kans. 18/	+3 x wba	.....	.....
Ky.	+10 wks. of covered work and wages equal to 10 x wba 3/	.....	X
La. 18/	+10 x wba	By 50%	.....
Maine	+4 x wba	.....	.....
Md. 1/	W+5-10 3/	.....	.....	7/
Mass.	+8 wks. of work and wages of 8 x wba 3/	.....	.....
Mich. 9/18/	Lesser of 7 x wba or 40 x State min. hourly wage x 7	.....	.....
Minn.	+4 wks. of work and wages equal to 8 x wba	.....	Duration
Miss.	+8 x wba	.....	.....
Mo. 1/	WF+4-16 2/3/4/	.....	.....	.....
Mont.	+wages equal to 8 x the wba	.....	.....
Nebr.	W+7-10 3/	.....	Equal 3/	.....
Nev.	+wages equal to wba in each of 15 wks.	.....	.....
N.H.	+5 wks. work in each of which earned 20% more than wba 2/	.....	Duration

(Table continued on next page)

ELIGIBILITY

Table 402.--Disqualification for Discharge for Misconduct 1/ (Continued)
(See Table 403 for Disqualification for Gross Misconduct)

State	Benefits postponed for 2/3/				Disqualification for disciplinary suspension (11 States)
	Fixed number of weeks 4/ (6 States)	Variable number of weeks 4/ (9 States)	Duration of unemployment (41 States)	Benefits reduced or canceled 3/6/	
(1)	(2)	(3)	(4)	(5)	(6)
N.J.	W+5	.....	.....	.....	.....
N.Mex.	+5 x wba in covered work	.....	.....
N.Y.	+3 days work in each of 5 wks. and 5 x wba	.....	.....
N.C.	2/14/	+10 x wba earned in at least 5 wks.	2/	7/
N.Dak.	+10 x wba 2/3/	.....	Duration
Ohio	+6 wks. in covered work 3/11/	.....	Duration
Okla.18/	+10 x wba	.....	.....
Oreg. 1/18/	+4 x wba	8 x wba	.....
Pa. 1/	+6 x wba	.....	.....
P.R. 1/	+4 wks. of work and wages equal to 10 x wba	.....	.....
R.I.	+20 x min. hourly wage in each of 4 wks.	.....	.....
S.C.	WF+5-26	.....	Equal	.....
S.Dak. 1/	+6 wks. in covered work and wages equal to wba in each wk. 3/	.....	.....
Tenn.	+10 x wba 3/	.....	.....
Tex.	+6 wks of work or wages equal to 6 x wba 4/	.....	.....
Utah	+6 x wba in covered work	.....	.....
Vt.	WF+6-12 4/	.....	.....	.....
Va.	+30 days' work 3/	.....	.....
V.I.1/	+4 wks. of work and 4 x wba	.....	.....
Wash. 1/	+5 wks. of work and wages equal to wba in each of 5 wks.	.....	.....
W.Va.	W+6 3/	.....	.....	Equal 10/	.....
Wis.	+7 wks. elapsed and 14 x wba 9/	Benefit rights based on any work involved canceled 9/	7/
Wyo.	+12 wks. of work wages of 12 x wba	.....	.....

(Footnotes on next page)

ELIGIBILITY

(Footnotes for Table 402)

1/In States noted, the disqualification for disciplinary suspensions is the same as that for discharge for misconduct.

2/In Fla., both the term and the duration-of-unemployment disqualifications are imposed. Disqualification is terminated if claimant returns to work and earns 8 x wba, Alaska and Mo.. In N.H., disqualification is terminated if either condition is satisfied. In N.Car., the Commission may reduce permanent disqualification to a time certain but not less than 5 weeks. When permanent disqualification changed to time certain, benefits shall be reduced by an amount determined by multiplying the number of weeks of disqualification by wba.

3/Disqualification applicable to other than last separation as indicated: preceding separation may be considered if last employment is not considered bona fide work, Ala.; when employment or time period subsequent to the separation does not satisfy a potential disqualification, Alaska, Fla., Idaho, Md., Mass., Mo., and Ohio; disqualification applicable to last 30-day employing unit, Va.; disqualification applicable to last 30-day employing unit on new claims and to most recent employer on additional claims, D.C., S.Dak. and W.Va.; any ER with whom the individual earned 8 x wba, N.Dak., and 10 x wba, Tenn. Reduction or forfeiture of benefits applicable to separations from any BP employer, Ky. and Nebr.. In Mich. and Wis., benefits computed separately for each employer to be charged. When an employer's account becomes chargeable, reason for separation from that employer is considered.

4/W Means week of discharge or week of suspension in column 6 and WF means week of filing except that disqualification period begins with: week for which claimant first registers for work, Calif.; week following filing of claim, Okla., Tex., and Vt.. Weeks of disqualification must be: otherwise compensable weeks, Mo., and S.Dak.; weeks in which claimant is otherwise eligible or earns wages equal to wba, Ark..

5/Figures show minimum employment or wages required to requalify for benefits.

6/"Equal" indicates a reduction equal to the wba multiplied by the number of wks. of disqualification or, in Nebr., by the number of wks. chargeable to ER involved, whichever is less.

7/Disqualified for the lesser of 8 wks. or the duration of suspension, Ark.; disqualified for duration or until individual earns 20 x wba, Md.; disqualified until 3 wks. have elapsed since the end of the wk. of suspension or until the suspension is terminated, whichever occurs first, Wis.; disqualified if claim filed at the time of disciplinary suspension, N.C..

8/Disqualifies an individual discharged for commission of a felony or theft in connection with work for 1-51 wks., or until the individual earns 20 x wba, Alaska.

9/Claimant may be eligible for benefits based on wage credits earned subsequent to disqualification, Mich. and Wis..

10/Deduction recredited if individual returns to covered employment for 30 days in BY, W.Va..

11/And wages at 27.5% of the State aww in each week, Ohio.

12/An individual discharged for deliberate misconduct connected with the work after repeated warnings is ineligible for the duration of unemployment and until claimant has earned 10 x wba and the total benefit amount reduced by 6-12 wks., Ala..

13/Reduction in benefits because of a single act shall not reduce potential benefits to less than one wk., Colo..

14/Disqualifies an individual for substantial fault on the part of the claimant that is connected with work but not rising to the level of misconduct. The disqualification will vary from 4-13 wks. depending on the circumstances, N.C..

15/An individual will be eligible for benefits if separated due to use of alcohol or a controlled substance on or off the job if the individual admits to an addiction and substantiates the addiction by a licensed physician's statement and if the individual commences to participate in an approved program of corrective action to deal with the addiction to alcohol or a controlled substance, Colo..

17/An individual shall be disqualified if separated from training approved by the Commissioner, due to claimant's failure to abide by rules of the training facility, Ga..

18/An individual shall be disqualified for the use of illegal drugs on or off the job, La.; disqualified for use of, possession of, or impairment caused by a nonprescribed controlled substance, an alcoholic or cereal malt beverage if evidence shows such abuse, Kans.; disqualified for refusing to undergo drug or alcohol testing or having been tested positive for drugs or alcohol, Ariz., Mich. and Okla.; disqualified for testing positive for illegal drugs after being warned of possible dismissal or for refusing to undergo a drug test or for knowingly altering a blood or urine specimen, Ala.; disqualified for testing positive for drugs, Fla.; failure to comply with terms and conditions of an employer, policy concerning the use, sale, possession or effects of controlled substances or alcohol in the workplace will be considered a disqualifying act, Oreg..

ELIGIBILITY

Table 404.--Refusal of Suitable Work

State	Benefits postponed for--1/2/			Benefits reduced ^{2/5/} (13 States) (5)	Alternative earnings requirement (3 States) (6)
	Fixed number of weeks ^{3/} (6 States) (2)	Variable number of weeks ^{3/} (8 States) (3)	Duration of unemployment ^{4/} (41 States) (4)		
Ala.	W+1-10	.....	.....	.....
Alaska	W+5	.....	.....	3 x wba	8 x wba
Ariz.	+ 8 x wba	.....	.....
Ark.	W+7 <u>3/</u>	.....	.....	.....	.....
Calif.	W+1-9 <u>3/6/</u>	.....	.....	.....
Colo.	W+20	.....	.....	Equal	.....
Conn.	+ 6 x wba	.....	.....
Del.	+ 4 wks. of work and 4 x wba	.....	.....
D.C.	+ 10 wks. work and wages equal to 10 x wba	.....	.....
Fla. <u>16/</u>	W+1-5 <u>1/14/</u>	+ 17 x wba <u>1/</u>	Optional	.....
Ga.	+ 8 x wba	.....	.....
Hawaii	+ 5 x wba	.....	.....
Idaho	+ 16 x wba	.....	.....
Ill.	+ wages equal to wba in each of 4 wks.	.....	.....
Ind.	+ wages equal to wba in each of 8 wks.	By 25%	.....
Iowa	+ 10 x wba	.....	.....
Kans.	+ 3 x wba	.....	.....
Ky.	+ 10 wks. of covered work and wages equal to 10 x wba	.....	.....
La.	+ 10 x wba	.....	.....
Maine	+ 8 x wba <u>8/</u>	.....	.....
Md.	W+5-10 <u>1/</u>	.....	.....	10 x wba <u>1/</u>
Mass.	W+7	.....	.....	<u>12/</u>	.....
Mich.	W+6 <u>3/</u>	.....	.....	Equal - in current or succeeding BY <u>7/</u>	.....
Minn.	+ 4 wks. of work and wages equal to 8 x wba	.....	.....
Miss.	W+1-12	.....	.....	.....
Mo.	+ 10 x wba	.....	.....
Mont.	+ 6 x wba	Equal	.....
Nebr.	W+7-10	.....	Equal	.....

(Table continued on next page)

ELIGIBILITY

Table 404.—Refusal of Suitable Work (Continued)

State	Benefits postponed for--1/2/			Benefits reduced ^{2/5/} (13 States)	Alternative earnings requirement (3 States)
	Fixed number of weeks ^{3/} (6 States)	Variable number of weeks ^{3/} (8 States)	Duration of unemployment ^{4/} (41 States)		
(1)	(2)	(3)	(4)	(5)	(6)
Nev.	+wages equal to wba in each wk. up to 15	.....	.....
N.H.	+5 wks. of covered work with earnings equal to 20% more than wba in each	.....	.....
N.J.	W+3	.....	.....	.....	.....
N.Mex.	+5 x wba	Equal	.....
N.Y.	+3 days' work in each of 5 wks. and 5 x wba	.....	.....
N.C.	13/	+10 x wba earned in at least 5 wks.	13/	.....
N.Dak.	+10 x wba	.....	.....
Ohio	+6 wks. in covered work 10/	.....	.....
Okla.	+10 x wba 15/	.....	.....
Oreg. 16/	X	8 x wba	4 x wba
Pa.	X	.....	.....
P.R.	+4 wks. of work and wages equal to 10 x wba	.....	.....
R.I.	+20 x min. hourly wage in each of 4 wks.	.....	.....
S.C.	+8 x wba	.....	.....
S.Dak.	+6 wks. of covered work and wages equal to wba in each wk.	.....	.....
Tenn.	+10 x wba in covered work	.....	.....
Tex.	+6 wks. of work or wages equal to 6 x wba 2/	.....	.....
Utah	+6 x wba 8/	.....	.....
Vt.	+in excess of 6 x wba	.....	.....
Va.	+30 days' work	.....	.....

(Table continued on next page)

ELIGIBILITY

Table 404.--Refusal of Suitable Work (Continued)

State	Benefits postponed for--1/2/			Benefits reduced ^{2/5/} (13 States) (5)	Alternative earnings requirement (3 States) (6)
	Fixed number of weeks ^{3/} (6 States) (2)	Variable number of weeks ^{3/} (8 States) (3)	Duration of unemployment ^{4/} (41 States) (4)		
(1)	(2)	(3)	(4)	(5)	(6)
V.I.	+4 wks. of work and 4 x wba	.....	.....
Wash.	+5 wks. of work and earnings equal to wba in each of 5 wks.	.....	.....
W.Va.	W+4 ^{9/}	.....	Equal	.....
Wis.	+4 wks. elapsed and 4 x wba ^{8/}	.....	.....
Wyo.	+12 wks. work and wages equal to 12 x wba	.....	.....

^{1/}In Fla. both the term and the duration-of-unemployment disqualifications are imposed. In Md. either disqualification may be imposed at discretion of agency. However, satisfaction of type not assessed does not serve to end assessed disqualification.

^{2/}Disqualification is applicable to refusals during other than current period of unemployment as indicated: within current BY, Tex.

^{3/}W means wk. of refusal of suitable work and WF means wk. of filing. Wks. of disqualification must be: wks. in which claimant is otherwise eligible or earns wages equal to wba, Ark.; wks. in which claimant earns at least \$25.01 or otherwise meets eligibility requirements, Mich.; wks. in which claimant meets reporting and registration requirements, Calif.. Disqualification may run into next BY which begins within 12 months after end of current yr., N.C.. "Weeks of employment" means all those wks. within each of which the individual has worked for not less than 2 days or 4 hrs./wk., Hawaii.

^{4/}Figures show min. employment or wages required to requalify for benefits.

^{5/}"Equal" indicates a reduction equal to the wba multiplied by the number of wks. of disqualification. "Optional" indicates reduction at discretion of agency.

^{6/}Agency may add 1-8 wks. more for successive disqualifications, Calif.

^{7/}Claimant may be eligible for benefits based on wage credits earned subsequent to refusal, Mich.

^{8/}If claimant has refused work for a necessitous and compelling reason, disqualification terminates when such claimant is again able and available for work, Maine. Not disqualified if reasons for such refusal were under circumstances of such a nature that disqualification would be contrary to equity and good conscience, Utah. Not disqualified if accepts work which claimant could have refused with good cause and then terminates with good cause within 10 wks. after starting work, Wis.

^{9/}Plus such additional wks. as offer remains open, W.Va.

^{10/}And wages at 27.5% of the State aww in each wk., Ohio.

^{12/}Plus benefits may be reduced for as many wks. as the director shall determine from the circumstances of each case, not to exceed 8 wks., Mass.

^{13/}In N.Car. the Commission may reduce permanent disqualification to a time certain but not less than 5 wks. When permanent disqualification changed to time certain, benefits shall be reduced by an amount determined by multiplying the number of wks. of disqualification by wba.

^{14/}Aliens who refused resettlement or relocation employment are disqualified 1-17 wks. or reduction by not more than 5 wks., Fla.

^{15/}An individual who refuses an offer of work due to illness, death of a family member or other circumstances beyond the individual's control will be disqualified for the wk. of occurrence, Okl.

^{16/}Disqualifies an individual who is rejected for offered employment as a direct result of a positive, confirmed drug test required as a condition of employment, Fla.; failure to comply with terms and conditions of an employer policy concerning the use, sale, possession or effects of controlled substances or alcohol in the workplace will be considered a disqualifying act, Oreg.

ELIGIBILITY

Table 410A.--Effect of Disqualifying Income on Weekly Benefit Amount ^{1/}

State	Workers Compensation ^{2/}	Wages in lieu of notice	Dismissal payments	Holiday Pay	Back Pay	Vacation Pay
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ala.	R <u>2/</u>	D	D	.....	D	.....
Alaska	.....	R	R	R	.....	R
Ariz.	.....	.....	.....	.....	.....	.....
Ark.	.....	D <u>6/</u>	D <u>6/</u>	.....	R	<u>9/</u>
Calif.	R	R <u>3/</u>	.....	.....	R	.....
Colo.	R <u>2/</u>	R	R	.....	R <u>8/</u>	D
Conn.	D <u>2/5/</u>	D	D <u>6/</u>	.....	.....	.....
Del.	R	.....	R	.....	R	.....
D.C.	.....	.....	R	.....	<u>8/</u>	.....
Fla.	R <u>2/</u>	R	.....	.....	.....	.....
Ga.	D <u>2/</u>	D	D	.....	<u>8/</u>	D
Hawaii	.....	.....	.....	.....	.....	.....
Idaho	.....	.....	.....	.....	.....	.....
Ill.	R <u>2/</u>	R <u>3/</u>	.....	R	.....	R
Ind.	.....	R <u>4/</u>	R <u>4/</u>	R <u>4/</u>	R <u>4/8/</u>	R <u>4/</u>
Iowa	R <u>2/</u>	R	R	.....	.....	<u>7/</u>
Kans.	D <u>2/</u>	.....	.....	.....	D	.....
Ky.	.....	R	.....	.....	R	.....
La.	R <u>2/</u>	R	R <u>10/</u>	.....	.....	R
Maine	.....	R	R	R	.....	R
Md.	.....	R <u>4/</u>	R <u>4/</u>	D <u>11/</u>	.....	D <u>11/</u>
Mass.	D <u>2/</u>	D	.....	D	.....	.....
Mich.	.....	D	.....	D	D	D
Minn.	R <u>2/</u>	R	R	.....	R	R
Miss.	.....	.....	.....	.....	D <u>8/</u>	.....
Mo.	R	.....	.....	.....	R <u>8/</u>	.....
Mont.	D <u>2/</u>	.....	.....	.....	.....	.....
Nebr.	R	R	R	.....	.....	.....
Nev.	.....	D	D	.....	.....	D
N.H.	R	R	R	.....	.....	.....
N.J.	.....	D	.....	.....	.....	.....
N.Y.	.....	.....	.....	D	.....	D
N.Mex.	.....	R <u>3/</u>	R <u>3/</u>	.....	R <u>3/</u>	.....
N.C.	.....	D	D	.....	D <u>8/</u>	D
N.Dak.	.....	.....	.....	.....	.....	.....
Ohio	R	R	R <u>6/</u>	.....	.....	R
Okla.	.....	.....	.....	.....	.....	.....
Oreg.	.....	.....	.....	<u>7/</u>	.....	<u>7/</u>
Pa.	.....	.....	.....	.....	.....	D
P.R.	.....	.....	.....	.....	.....	R
R.I.	R	.....	.....	.....	.....	R
S.C.	.....	.....	.....	.....	.....	.....
S.Dak.	R	R	R	R	.....	.....
Tenn.	D	D	.....	.....	R	.....

(Table continued on next page)

ELIGIBILITY

Table 410A.--Effect of Disqualifying Income on Weekly Benefit Amount 1/ (Continued)

State	Workers Compensation <u>2/</u>	Wages in lieu of notice	Dismissal payments	Holiday Pay	Back Pay	Vacation Pay
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Tex.	D <u>2/</u>	D	.....	.....	.....	.....
Utah	.....	R	R	.....	.....	R
Vt.	R	R	.....	R	R	R
V.I.	.....	.....	.....	.....	.....	.....
Va.	.....	R	R	.....	.....	R
Wash.	.....	.....	.....	.....	<u>8/</u>	.....
W.Va.	D <u>2/</u>	D	.....	.....	.....	D
Wis.	R <u>2/</u>	.....	R <u>4/</u>	.....	.....	.....
Wyo.	.....	R	R	.....	.....	R

1/"R" means weekly benefit is reduced by weekly prorated amount of the payment. "D" means no benefit is paid for the week of receipt.

2/See text for types of payments listed as disqualifying income in States noted. In other States disqualification or reduction applies only to payments for temporary partial disability.

3/By interpretation, Calif.; by regulation, Ill., and N.Mex.

4/Reduction as wages for a given wk. only when definitely allocated by close of such wk., payable to the EE for that week at full applicable wage rate, and EE has had due notice of such allocation, Wis.; excludes greater of first \$3 or 1/5 wba from other than BP ER Ind.; not applicable if claimant's unemployment caused by abolition of job, Md.

5/If worker's compensation benefits received subsequent to receipt of unemployment benefits, individual liable to repay unemployment benefits in excess of worker's compensation benefits.

6/Not applicable to severance payments or accrued leave pay based on service for the Armed Forces, Conn., and Ohio.

7/Limits the deductibility to vacation pay to 1 wk. if an individual is separated from employment and scheduled to receive vacation pay during the period of unemployment attributable to the ER and the ER does not designate the vacation period to which the payments will be allocated. However, if the ER designated more than 1 wk. as the vacation period, such payments will be deductible, Iowa; holiday and vacation pay may or may not be deductible depending on the circumstances under which the claimant receives them, Oreg.

8/If receiving benefits at time of award, the ER shall withhold from the award the amount of benefits paid and remit to the division of employment, Colo., D.C., Ga., Ind., Miss., Mo., N.C., and Wash.

9/An individual will be paid an amount equal to weekly benefit amount less that part of vacation pay payable for the week that is in excess of 40 percent of weekly benefit amount, Ark.

10/Duration reduced, but not less than 1 wk., for each wk. a BP ER provided severance pay which equaled or exceeded the wba, La.

11/Not applicable to holiday pay attributable to any period which is outside the terms of an employment agreement, which specifies scheduled vacation or holiday periods, Md.

ELIGIBILITY

Table 410B.--Effect of Pensions on Weekly Benefit Amount

State	Deductions--		Considers EE contributions to pensions	Excludes Pensions not affected by BP work
	All pensions All ER's (3 States)	All pensions BP ER (50 States)		
(1)	(2)	(3)	(4)	(5)
Ala.	X	.....	X
Alaska	X	X	X
Ariz.	X	X	X
Ark.	X	X	.....
Calif.	X	X	X
Colo.	X	.....	.....
Conn.	X	X	X
Del.	X	X	.....
D.C.	X	.....	.....	.....
Fla.	X	X	.....
Ga.	X	X	X
Hawaii	X	X	X
Idaho	X <u>1/</u>	X <u>1/</u>	.....
Ill.	X	X	.....
Ind.	X	.....	.....
Iowa	X	X	X
Kans.	X	X	X
Ky.	X	X	X
La.	X	.....	.....
Maine	X	X	X
Md.	X <u>2/</u>	X	.....
Mass.	X	X	X
Mich.	X	X	.....
Minn.	X	X	.....
Miss.	X	.....	.....
Mo.	X	.....	X
Mont.	X	X	X
Nebr.	X	X <u>1/</u>	.....
Nev.	X	X	X
N.H.	X	X	X
N.J.	X	X	.....
N.Mex.	X	X	.....
N.Y.	X	X	X
N.C.	X	.....	.....
N.Dak.	X	X	X
Ohio	X	.....	.....
Okla.	X	.....	X
Oreg.	X	X	.....
Pa.	X	X	X
P.R.	X	X	X
R.I.	X	X	.....
S.Car.	X	X	.....

(Table continued on next page)

ELIGIBILITY

Table 410B.--Effect of Pensions on Weekly Benefit Amount (Continued)

State	Deductions--		Considers EE contributions to pensions	Excludes Pensions not affected by BP work
	All pensions All ER's (3 States)	All pensions BP ER (50 States)		
(1)	(2)	(3)	(4)	(5)
S.Dak.	X	X	.....
Tenn.	X	X	X
Tex.	X	X	.....
Utah	X	.....	.....
Vt.	X	.....	X	.....
Va.	X	.....	.....
V.I.	X	.....	.....	.....
Wash.	X	X	X
W.Va.	X	.....	.....
Wis.	X	X	X
Wyo.	X	X	.....

1/By regulation.

2/Lump sum retirement benefits will not be deducted from an individual's benefits if the payments were made at the time of a layoff or shutdown of operations, Md.